

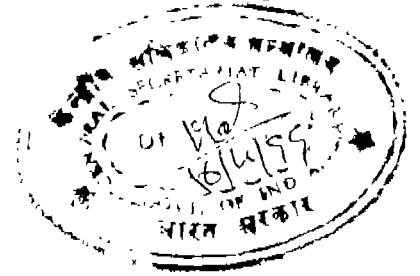


भारत का राजपत्र The Gazette of India

असाधारण
EXTRAORDINARY

भाग II—खण्ड 3—उप-खण्ड (ii)
PART II—Section 3—Sub-section (ii)

प्राधिकार से प्रकाशित
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नई दिल्ली, बुधवार, दिसम्बर 16, 1998/अग्रहायण 25, 1920
NEW DELHI, WEDNESDAY, DECEMBER 16, 1998/AGRAHAYANA 25, 1920

गृह मंत्रालय
अधिसूचना

नई दिल्ली, 16 दिसम्बर, 1998

का.आ. 1080(अ).—केन्द्रीय सरकार, विधिविरुद्ध क्रियाकलाप (निवारण) अधिनियम, 1967 (1967 का 37) की धारा 3 की उपधारा (1) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, भारत सरकार के गृह मंत्रालय की अधिसूचना सं. 398(अ), तारीख 14 मई, 1998 द्वारा लिबरेशन टाइगर्स ऑफ तमिल एलम (जिसे इसमें इसके पश्चात् लिट्टे कहा गया है) को वस्तुतः श्री लंका में स्थित और भारत भूमि पर सहानुभूति रखने वाले, समर्थकों और अभिकर्ताओं वाले संगम को निम्नलिखित को ध्यान में रखते हुए विधिविरुद्ध घोषित किया था :—

- (i) लिट्टे का सभी तमिलों के लिए स्वदेश प्राप्ति का उद्देश्य भारत की संप्रभुता और राज्य क्षेत्रीय अखण्डता को विचिन्म करता है और इस प्रकार विधिविरुद्ध क्रियाकलाप की परिधि के अन्तर्गत आता है ;
- (ii) लिट्टे द्वारा सभी तमिलों के लिए पृथक स्वदेश (तमिल ईलम) की लगातार जारी उपद्रवादी कार्यवाही से भारत की संप्रभुता और क्षेत्रीय अखण्डता को निरन्तर खतरा बना हुआ है ;
- (iii) ऐसे कई आपराधिक मामले, जिनमें लिट्टे और लिट्टे समर्थक ग्रुप जैसे टी एन आर टी (तमिल नेशनल रिट्नाइवल टूप्प) और तमिल पासाराई शामिल हैं जैसे राजीव गांधी हत्या का मामला, पद्मनाभन की हत्या का मामला और ऐसे मामले जिनमें टी.एन.आर.टी. और तमिल पासाराई शामिल हैं,

दोपसिद्धि में समाप्त हो चुके हैं और तमिलनाडु में लिट्टे समर्थक ग्रुपों के मध्य अभी भी लक्ष्य के रूप में तमिल ईलम की अवधारणा बनी हुई है। यह ताकत अभी भी अपने उद्देश्य की पूर्ति में अग्रसर है और इसके द्वारा उक्त अत्यधिक संवेदनशील घातावरण तैयार हो रहा है जिसमें लिट्टे को विधिपूर्वक संगम के रूप में यदि भारत में स्वच्छंद कार्य करने की अनुमति दी जाती है तो उसका भारत की प्रभुता और राज्य क्षेत्रीय अखण्डता के लिए अत्यधिक अहितकर होना संभाव्य है ;

- (iv) लिट्टे श्रीलंका में एक अत्यधिक शक्तिशाली आतंकवादी बल बना हुआ है और वर्तमान में संसार में घातकतम आतंकवादी संघटनों में से एक है , जिसके तमिलनाडु में गहन संपर्क हैं और जबकि लिट्टे मजबूत आतंकवादी आन्दोलन बना हुआ है और जब तक श्रीलंका तमिल ईलम की मांग के साथ जातीय संपर्क की स्थिति में बना रहता है जिसकी श्रीलंका में श्रीलंका के तमिलों और भारतीय तमिलों के मध्य भापाई, सांस्कृतिक, जातीय और ऐतिहासिक निकटता और तमिलनाडु में पृथक्तावादी ताकतों के कारण तीव्र प्रतिक्रिया तमिलनाडु में होती है जिसमें लिट्टे समर्थक ग्रुप तमिलनाडु में लिट्टे के समर्थन आधार का विस्तार करने के लिए अलगाववादी भावनाओं को भड़काने का प्रयास करेंगे जिससे भारत की राज्य क्षेत्रीय अखण्डता पर गंभीर विघटनकारी प्रभाव पड़ने की संभावना है ;

और केन्द्रीय सरकार ने उक्त अधिनियम की धारा 5 की उपधारा (1) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, भारत सरकार के गृह

मंत्रालय की अधिसूचना सं. 500(अ) तारीख 12 जून, 1998 द्वारा विधिविरुद्ध क्रियाकलाप (निवारण) अधिकरण (जिसे इसमें इसके पश्चात् उक्त अधिकरण कहा गया है) गठित किया था जिसमें दिल्ली उच्च न्यायालय के न्यायाधीश न्यायमूर्ति श्री एस.के. महाजन थे ;

और केन्द्रीय सरकार ने, पूर्वोक्त अधिनियम की धारा 4 की उपधारा (1) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, उक्त अधिसूचना को 12 जून, 1998 को उक्त अधिकरण को इस न्याय निर्णयन के प्रयोजन के लिए निर्देशित किया था कि उक्त संगम को विधिविरुद्ध घोषित किए जाने के लिए पर्याप्त कारण थे या नहीं थे ;

और उक्त अधिकरण ने उक्त अधिनियम की धारा 4 की उपधारा (3) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, 13 नवम्बर, 1998 को, अधिसूचना सं. 398 (अ), तारीख 14 मई, 1998 में की गई घोषणा की पुष्टि करते हुए एक आदेश (जिसे इसमें इसके पश्चात् उक्त आदेश कहा गया है) किया है।

अतः, अब, केन्द्रीय सरकार, उक्त अधिनियम की धारा 4 की उपधारा (4) के अनुसरण में, उक्त अधिकरण का एक उक्त आदेश प्रकाशित करती है, अर्थात् :—

(कृपया आदेश के लिए अधिसूचना का अंग्रेजी पाठ देखें)

[फा. सं. आई.-11034/9/98-आई एस-डी आई(ए)]

संगीता गैरोला, संयुक्त सचिव

MINISTRY OF HOME AFFAIRS NOTIFICATION

New Delhi, the 16th December, 1998

S.O. 1080(E).—Whereas the Central Government in exercise of the powers conferred by sub-section (1) of section 3 of the Unlawful Activities (Prevention) Act, 1967 (37 of 1967), declared vide notification of the Government of India in the Ministry of Home Affairs No. 398(E), dated the 14th May, 1998, the Liberation Tigers of Tamil Eelam (hereinafter referred to as LTTE) an association actually based in Sri Lanka and having sympathisers, supporters and agents on Indian soil as unlawful in view of the following :—

- (i) LTTE's objective for a homeland for all Tamils disrupts the sovereignty and territorial integrity of India and this falls within the ambit of an unlawful activity;
- (ii) the continuing militant pursuits by the LTTE of the objective of a separate homeland (Tamil Eelam) for all Tamils, threatens the sovereignty and territorial integrity of India;
- (iii) most of the criminal cases involving LTTE and pro-LTTE groups like TNRT (Tamil National Retrieval Troops) and Tamilar Pasaria, such as Rajiv Gandhi Assassination case, the Padmanabha murder case and the cases involving TNRT and Tamilar Pasarai etc. have ended in conviction and the Tamil Eelam concept still remains as a goal among the pro-LTTE groups in Tamil Nadu and the forces are still at work to further its cause, thereby contributing to the said highly vulnerable milieu in which LTTE's free functioning in India as a lawful association, if

allowed, is likely to be highly detrimental to the sovereignty and territorial integrity of India;

- (iv) LTTE continues to be an extremely potent terrorist force in Sri Lanka and is presently one of the deadliest terrorist organisations in the world which has strong connections in Tamil Nadu. And whereas LTTE continues to remain a strong terrorist movement and so long as Sri Lanka continues to remain in a state of ethnic strife, torn by the demand for Tamil Eelam, which finds a strong echo in Tamil Nadu due to linguistic, cultural, ethnic and historical affinity between Sri Lankan Tamils and Indian Tamils in Sri Lanka and the separatist Tamil chauvinist forces in Tamil Nadu and the pro-LTTE groups will always try to stimulate the secessionist sentiment to enhance the support base of the LTTE in Tamil Nadu which will all have an adverse influence over the territorial integrity of India;

And, whereas, the Central Government, in exercise of the powers, conferred by sub-section (1) of section 5 of the said Act, vide notification number 500(E), dated the 10th June, 1998, Government of India in the Ministry of Home Affairs, constituted the Unlawful Activities (Prevention) Tribunal (hereinafter referred to as the said Tribunal) consisting of Shri Justice S.K. Mahajan, Judge of the Delhi High Court;

And, whereas, the Central Government in exercise of the powers conferred by sub-section (1) of section 4 of the aforesaid Act, referred the said notification to the said Tribunal on the 12th day of June, 1998 for purpose of adjudicating whether or not there was sufficient cause for declaring the said association as unlawful;

And, whereas, the said Tribunal, in exercise of the powers conferred by sub-section (3) of section 4 of the said Act made an Order (hereinafter referred to as the said Order) on the 13th day of November, 1998, confirming the declaration made in the notification number 398(E) dated the 14th May, 1998;

Now, therefore, in pursuance of sub-section (4) of section 4 of the said Act, the Central Government hereby publishes the said Order of the said Tribunal, namely :—

BEFORE THE UNLAWFUL ACTIVITIES (PREVENTION)

TRIBUNAL CONSTITUTED VIDE NOTIFICATION

NO. S. O. 398 (E) Dated the 14th May, 1998

IN RE .

Liberation Tigers of Tamil Eelam (LTTE)

CORAM :

Hon'ble Mr. Justice S. K. MAHAJAN

Present :

Union of India through Mr. E. X. Joseph, Senior Advocate with Ms Barkha Babbar, Advocate, Mr. A. K. Paitandy, Director, Internal Security Division, Ministry of Home Affairs, New Delhi.

State of Tamil Nadu through Mr V. G. Pragasam, Advocate

Liberation Tigers of Tamil Eelam through Mr N Chandrasekaran, Advocate.

Judgement :

Vide the notification dated 14th May, 1998, the Central Government in exercise of powers conferred by sub-Section (1) of Section 3 of the Unlawful Activities (Prevention) Act, 1967 (in short referred to as the Act) declared the Liberation Tigers of Tamil Eelam (in short referred to as the LTTE) to be unlawful association and in exercise of powers conferred by proviso to sub-Section 3 of that Section directed that the Notification shall, subject to any order that may be made in Section 4 of the Act, have immediate effect from the date of its publication in the official gazette. on 12th June, 1998 reference was made to the Tribunal to adjudicate whether or not there was sufficient cause for declaring the LTTE as unlawful.

Notification No. S.O. 398 (E) dated 14th May, 1998 published in the Gazette of India Extra-Ordinary Part-II Section 3 sub-Section (ii) declaring the LTTE to be an unlawful association was in the following terms :—

“Whereas the Liberation Tigers of Tamil Eelam (hereinafter referred to as LTTE), is an association actually based in Sri Lanka but having sympathisers, supporters and agents on the Indian soil:

- 2 And whereas LTTE's objective for a homeland for all Tamils disrupts the sovereignty and territorial integrity of India and thus falls within the ambit of an unlawful activity;
- 3 And whereas the continuing militant pursuits by the LTTE of the objective of a separate homeland (Tamil Eelam) for all Tamils, threatens the sovereignty and territorial integrity of India;
- 4 And whereas most of the criminal cases involving LTTE and pro-LTTE groups like TNRT (Tamil National Retrieval Troops) and Tamilar Pasarai, such as the Rajiv Gandhi assassination case, the Padmanabha murder case and the cases involving TNRT and Tamilar Pasarai etc. have ended in conviction and The Tamil Eelam concept still remains as a goal among the pro-LTTE groups in Tamil Nadu and the forces are still at work to further its cause, thereby contributing to the said highly vulnerable milieu in which LTTE's free functioning in India as a lawful association, if allowed, is likely to be highly detrimental to the sovereignty and territorial integrity of India;
5. And whereas LTTE continues to be an extremely potent terrorist force in Sri Lanka and is presently one of the deadliest terrorist organisations in the world which has strong connections in Tamil Nadu. And whereas LTTE continues to remain a strong terrorist movement and so long as Sri Lanka continues to remain in a state

of ethnic strife, torn by the demand for Tamil Eelam, which finds a strong echo in Tamil Nadu due to the linguistic, cultural, ethnic and historical affinity between the Sri Lankan Tamils and the Indian Tamils in Sri Lanka and the separatist Tamil chauvinist forces in Tamil Nadu and the pro-LTTE groups will always try to stimulate the secessionist sentiment to enhance the support base of the LTTE in Tamil Nadu which will all have an adverse influence over the territorial integrity of India

- 6 And whereas the Central Government is of the opinion that for the reasons aforesaid, the LTTE is an unlawful association and there is continuing strong need to control all such separatist activities by all possible lawful measures.
- 7 And whereas the Central Government has information that :
 - (a) A racket in Madurai for procuring and despatching supplies for the LTTE was smashed during November, 1996 by the “Q” Branch, CID in the intensive operations in Madurai Ramanathapuram, Trichy, Coimbatore, which led to the arrest of 19 accused including 9 LTTE cadres and operatives and large seizures including incriminating materials such as 9 mm pistol with ammunition, a wireless set, Global Positioning System, etc. vide Madurai City Q Branch CID Cr. No. 1/96 [FIR No. 1/96 u/s. 120 (B) IPC, 13(2) of the Unlawful Activities (Prevention) Act, 1969 Section 25 (1) (a) Section 7 of the Arms Act, 1959 and Section 3 r/w Section 12 of Passport Act]
 - (b) On 8-2-1997, five persons including an LTTE cadre, Pandian @ Muralidharan, were engaged in a conspiracy to procure medicines, etc., from Chennai and other places in the State of Tamil Nadu to the LTTE in Sri Lanka. All the five were having a meeting in a flat on TTK Road, Chennai to make arrangements for supply of medicines to the LTTE, an organisation banned in India. A wireless code sheet, Rupees 1.05 lakhs in cash, 4 Cassette Discs containing LTTE propaganda material on Sea Tigers, Black Sea Tigers, etc., a list of medicines, photographs of LTTE leader Prabhakaran with black Tigers, etc., were seized from them vide Chennai City Q Branch CID Cr. No. 1/97 under Section 10, 13 (1) (b) and 13 (2) of the Unlawful Activities (Prevention) Act, 1967 read with Section 120 (B) IPC. A local tamil magazine editor viz. A. S. Mani was also arrested for rendering assistance to LTTE cadre. Investigation revealed that LTTE cadres were operating a wireless set at a house near Chennai City Subsequently, Rama Elangovan son of Ramasamy Chettiar, No. 14 Post Office Road, Pattukottai, whose visiting card has been seized from LTTE cadre Pandian Muralidharan, was arrested on 14-3-1997 and 19 live rounds of 9 mm pistols, one magazine, a cleaning rod, etc., were recovered on his confession.

(c) On 4-6-1997 night at about 00.30 hours at Atankarai village in Uchipuli Police Station limits, Ramanathapuram District, when a police party was on night round, they intercepted one white coloured Ambassador car TSD 1332 on suspicion and when enquiry and thorough search were made it was found that four suspected LTTE cadres and three local persons including driver were travelling in the vehicle in order to procure medicines and other goods for LTTE. They were arrested vide Cr. No. 653/97 Uchipuli Police Station Ramanathapuram district u/s 25 (I) (a) (d) of the Indian Arms Act, 1959, Section 14 of foreigners' Act, 1946 and 6 (a) of the passport Act, 1967 and 13 (1) (2) of Unlawful Activities (Prevention) Act, 1967, the following were among the seized articles :—

- (i) 9 mm MP 5 rifles — One with 59 rounds
- (ii) 9 mm pistol — One with 24 rounds
- (iii) Walkie-talkie — 5 sets
- (iv) Morse-key boards — 2 sets
- (v) Sri Lankan Currency— Rs. 17,19,500/-
- (vi) Indian Currency — Rs. 4,577/-
- (vii) Pocket computer — 1
- Feeding computer
- (viii) Cyanide capsules — 2 (big size)
35 (small size)
- (ix) Video cassettes — 16
- (x) Audio cassettes — 32
- (xi) Newspapers weekly — One bundle
published by LTTE

(d) A reliable information was received that one Chokkalingam S/o. Kuppan Chettair, No. 36, Kamarajar Salai, Ashok Nagar, Chennai-83, is harbouring an LTTE cadre by name, Vijay Kumar in a hideout in Chennai and helping him in the procurement of essential items in Tamil Nadu for the use of LTTE in Sri Lanka by smuggling them clandestinely and that Chokkalingam also helped the LTTE cadre, Vijay Kumar by providing him cellular phones. Following this information, a constant vigil was maintained for Chokkalingam and LTTE cadre, Vijay Kumar. On 20-1-1998, further information was received that the LTTE cadre, Vijay Kumar, was also operating 'Morse Key' and Wireless sets clandestinely along with Chokkalingam in a house at Visaka Thottam, Mettupalayam, Saidapet, Chennai and that a woman by name, Selvi is also assisting them. The Q Branch police raided the above house at No. 14, Visagathottam, Mettupalayam, Chennai-15 on 20-1-1998 evening and found that the LTTE cadre, Vijay Kumar @ Visakarathnam Srinivasan (age 23 years) was operating 'Morse Key' and a wireless set in the company of Chokkalingam (age 38) of Ponnamarvathy and Selvi (age 40) of keeramangalam. All of them were arrested vide Chennai City 'Q' Branch CID Cr. No. 1/98 under Section 10, 13 (1) and 13 (2) of the unlawful Activities (Prevention) Act. The following were the articles seized from LTTE cadre, Vijay Kumar :—

- (i) Cellular phone — 3 Nos
- (ii) Yeasu FT 575 — transreceiver
- (iii) Morse key
- (iv) Headphone — 1 No.
- (v) ICOM Automatic — 1 No.
- Antennae tuner
- (vi) 12 volt Battery — 1 No Battery
charger 2 No.
- (vii) Cyanide capsules — 2 No.
- (small)
- (viii) Code sheet and
- (ix) Coded and decoded
messages

Investigation disclosed that the arrested LTTE cadre, Vijay Kumar @ Visakarathnam @ Srinivasan is non other than kiruba wanted LTTE cadre in Chennai City 'Q' Branch Crime No. 1/97 (noted above). Further it came to light that 4 other LTTE Cadres are still at large in Tamil Nadu.

From the material culled out in aforesaid four cases, it is quite evident that despite the ban, which is in existence since 1992, the LTTE on their part continue to indulge in activities prejudicial to the security of the country. The seizure of a large quantity of cyanide capsules, an automatic weapon, a pistol and ammunition and wireless sets in Uchipuli case is a distressing signal of the LTTE's objective. The above apprehension is strengthened by the arrest of LTTE cadre pandiyam @ Muralidharan and Vijay Kumar @ Visagarathanam in Chennai in 1997 and 1998 respectively, and the presence of 4 more LTTE cadres who are still at large in Tamil Nadu.

- 8 And whereas the Central Government is of the opinion that the aforesaid activities of the LTTE continue to pose threat to and are detrimental to the sovereignty and integrity of India as also public order, and therefore should be declared as an unlawful association.
- 9 And whereas the Central Government is further of the opinion that (i) because of its continued violent and disruptive activities prejudicial to the integrity and sovereignty of India and because (ii) it continues to adopt a strong anti India posture and also continues to pose a grave threat to the security of indian nationals, it is necessary to declare the LTTE as an Unlawful association with immediate effect.
- 10 Now, therefore, in exercise of the powers conferred by sub-section (1) of section 3 of the Unlawful Activities (Prevention) Act, 1967 (37 of 1967), the Central Government hereby declares the Liberation Tigers of Tamil Eelam (LTTE) to be unlawful association and directs, in exercise of the powers conferred by the proviso to sub-section (3) of that section, that this notification shall, subject to any order that may be made

under section 4 of the said Act, have immediate effect from the date of its publication in the Official Gazette.

As required by Rule 5 of the rules framed under the Act, the Central Government alongwith the reference also forwarded the resume regarding the aims, objectives and activities of the LTTE. The Constitution of the Peoples of Liberation Tigers, the front Organisation of the LTTE was also enclosed with the reference. Reference also included the cases registered/arrests made indicating the activities of pro-LTTE elements/groups including Tamil chauvinist groups in Tamil Nadu since February, 1996.

On receipt of the reference, the Tribunal directed the notices to be issued to the LTTE to show cause as to why the said organisation be not declared unlawful. The notice was returnable on 2nd September, 1998. Since there was no particular address of the LTTE in India, notices to LTTE were directed to be published in "The Indian Express" and "The Hindu" in Tamil Nadu and Delhi editions and one daily issue of newspaper published in Tamil language in Tamil Nadu. Notices were also directed to be published in two leading newspapers of Sri Lanka either in "Island" or "Virakesari" or "Daily News" or "Thinakara Sunday Observer". Since the international secretariat of the LTTE was located at Eelam House, 201, Long Lane, London, SE1, notice was directed to be issued to the LTTE at the said address as well. Notice was also directed to be published in the leading newspaper "Times" of the United Kingdom. In addition to the above, Notices were also directed to be served by affixation on some conspicuous part of the office, if any, of the said association and by serving a copy of the notice, if possible, on the principal office bearers of the LTTE by registered post or otherwise. The Central Government and the State of Tamil Nadu were also directed to take immediate steps to effect the service of the notices in terms of this direction given on 16th July, 1998.

Pursuant to the directions given by the Tribunal, Notices were duly published in the newspaper "Times" of the United Kingdom on 29th July, 1998; "Sunday Observer" on 26th July, 1998 and "Thinakara" on 26th July, 1998 in Sri Lanka. Notices were also published in "The Indian Express" (Tamil Nadu edition) and "Thinath Thanthi" (Tamil) on 29th July, 1998. Notices were also served on LTTE in London on 25th July, 1998. An affidavit of service was filed by Mr. A. K. Paitandy, Director, Internal Security Division, Ministry of Home Affairs, New Delhi, alongwith copies of the newspapers and copies of the notices. Notices were also exhibited on the notice board of the District Police Offices, Commissionerates, Police Stations, Collectorates, Sub-Divisional Officers and Taluk Offices. Though, the notices in all other newspapers were published before 30th July, 1998, notice was published in "The Hindu" (Tamil Nadu edition) on 26th August, 1998 and "The Indian Express" (Delhi edition) on 11th August, 1998.

A representation was received from the LTTE through their counsel Mr. N. Chandrasekaran on 26th August, 1998. Evidence was led by the State of Tamil Nadu as well as the Central Government by means of affidavits, copies of which

were supplied to Mr. Chandrasekaran, Advocate, appearing on behalf of the LTTE. He was also given an opportunity to cross-examine the deponents who had filed their affidavits by way of evidence.

On 23rd October, 1998 the statement of Mr. A. K. Paitandy, Director, Internal Security Division, Ministry of Home Affairs, New Delhi, was recorded by the Tribunal and he was also cross-examined on the same date by Mr. Chandrasekaran, Advocate, on behalf of the LTTE. The statement of Mr. T. V. Ravichandran, Supdt. of Police, Q Branch (CID), State of Tamil Nadu, was recorded at Trichy on 1st November, 1998 and he was also cross-examined by Mr. Chandrasekaran on behalf of the LTTE.

While Mr. E. X. Joseph, Senior Advocate, has argued the matter on behalf of the Central Government, Mr. V. G. Pragasam, Advocate, argued on behalf of the State of Tamil Nadu. On behalf of the LTTE, Mr. N. Chandrasekaran, Advocate, filed his written submissions before the Tribunal on 5th November, 1998.

The LTTE was, for the first time, declared to be an unlawful association by a similar notification dated 14th May, 1992. On a reference having been made for adjudication to the Unlawful Activities (Prevention) tribunal constituted by notification dated 10th June, 1992, the Tribunal sent its Report dated 4th November, 1992 declaring that the Central Government had shown sufficient cause for declaring the LTTE as unlawful association under the Act. It was further stated that the declaration was necessitated in national interest. On the expiry of the period of two years, the Central Government again issued a similar notification dated 14th May, 1994 again declaring the LTTE as unlawful association and a reference was made to the Tribunal constituted vide order dated 1st June, 1994. The said Tribunal also sent its Report dated November 11, 1994 and answered the reference by holding that there was sufficient cause for declaring the LTTE to be an unlawful association within the meaning of the Act. On the expiry of the period of two years from 14th May, 1994, the Central Government again issued notifications dated 14th May, 1996; 13th June, 1996 and 27th June, 1996 declaring the LTTE to be an unlawful association within the meaning of the Act. The Tribunal constituted under Section 5 of the Act, on a reference made to it by the Central Government, confirmed the declaration made in the notification declaring the LTTE to be an unlawful association within the meaning of the Act. It is on the expiry of the period of two years from 14th May, 1996 that the present notification was issued again declaring the LTTE as unlawful association within the meaning of the Act and sending the reference to the Tribunal for adjudication whether or not there was sufficient cause for declaring the LTTE unlawful.

In his affidavit filed by Mr. Paitandy on behalf of the Central Government, background has been given as to how the LTTE was originally formed and how it was spreading a feeling for a separate Tamil country by claiming cession and secession of a part of a territory of India from the Union or was in any case disrupting or intending to disrupt the sovereignty and integrity of India. Some of the background

material will be relevant to reproduce as under : —

1. The Liberation Tigers of Tamil Eelam (LTTE) was originally formed in 1974 as Liberation Tigers. It took its present name in 1976. The LTTE declared its ultimate objective as Total Liberation of its Home Land and the establishment of an Independent, sovereign socialist State of Tamil Eelam.
2. In the course of its growth, LTTE has been able to carve out a well-knit infrastructure and has methodically brought up its organisational structure which has been able to sustain years of armed struggle against the Sri Lankan army. LTTE is broadly divided into political, military, medical and intelligence wings. Each wing has a set hierarchy and the roles of the functionaries are explicitly spelt out.
3. The overall incharge of LTTE is Vellupillai Prabhakaran @ Karikalan, Baby Subramanian @ Ilankumaran is the upcoming leader and is in the overall charge of the military wing in Mullaitivu, Vavunias and Mannar in the Northern Sri Lanka. Pottu Amman is the Chief of LTTE's Intelligence Wing.
4. Since early 1989, the LTTE started using Tamil Nadu as a launching pad for its operations in Sri Lanka. The situation became ominous in 1989-90 when the LTTE cadres started infiltrating into the State under the guise of refugees. Those injured in the fighting in Sri Lanka also found the State to be a safe haven for their treatment and welfare.
5. Apart from infiltration in the garb of refugees, the LTTE cadres found it very convenient to have access to interior places in the State through various land routes emanating from as many as 50-odd landing places in the coastal areas of Thanjavur, Pudukottai and Ramanathapuram districts. Boats were being used for bringing the cadres/Leaders to the landing points from where transportation to various places did not pose any problem at all as they had procured adequate number of vehicles through their local contacts and associates. These sea and land routes were converted by the LTTE into prolific smuggling channels and supply lines. Medicines, clothings, arms, ammunitions, explosives and provisions were being smuggled out to Jaffna and other LTTE bases in Sri Lanka. Gold was being smuggled into India for meeting the cash requirements and supplementing their revenues.
6. In order to sustain these smuggling and other clandestine operations, the LTTE had set up an effective net-work of Radio-W.T. communication between Sri Lanka and Tamil Nadu and also within the State. LTTE cadres started using sympathetic locals, particularly those with impressionable minds, for assisting the former in their various tasks. This created a close nexus between the LTTE cadres and gullible locals who were being closely injected with the poison of secession through terror tactics.

7. The constitution of the People's Front of Liberation Tigers (PFLT), the political front of LTTE, includes inter alia the following objectives:—

- (i) to fight for the right of self-determination of the Tamils and Muslims;
- (ii) To protect and preserve the geographical identity and integrity of the traditional home lands of the Tamils and Muslims. n

It is significant that these objectives speak of all Tamils irrespective of geographical distinction and an inference is irresistible that while the immediate struggle of LTTE is against the Government of Sri Lanka for the establishment of a Tamil Eelam in the North-East provinces of Sri Lanka, its larger objective, given the geographical contiguity and ethnic affinity, would include the Tamil areas of India also and thus pose a real and serious threat to the sovereignty and territorial integrity of India. There is no indication to show that PFLT have revoked their constitution or in any manner retracted from its avowed objectives of creating an independent and separate Tamil Eelam consisting of parts of India.

8. The activities of LTTE and pro-LTTE groups require constant vigil and monitoring. Sympathy for the Tamil Eelam concept still remains and the forces are still at work to further the cause of separate Tamil Nadu i.e. secession from India, for which they are drawing inspiration and sustenance from LTTE. In order to control these secessionist forces, it is extremely important to continue to exercise strict control over the activities of the LTTE and to ensure that their militant activities do not re-emerge in Tamil Nadu, in any potent manner.
9. LTTE continues to remain a strong terrorist movement and so long as Sri Lanka continues to remain in a state of ethnic strife, torn by the demand for Tamil Eelam, which finds a strong echo in Tamil Nadu due to the linguistic, cultural, ethnic and historical affinity between the Sri Lanka Tamils and the Indian Tamils in Sri Lanka. In this milieu, the separatist Tamil chauvinist forces in Tamil Nadu and the pro-LTTE groups will always try to stimulate the secessionist sentiment to enhance the support base of the LTTE in Tamil Nadu, which can all have an adverse influence over the territorial integrity of India. Hence, there is continuing strong need to control all such separatist activities by all possible lawful measures.
10. LTTE continues to adopt a strong anti-India posture and continues to pose a grave threat to the security of high dignitaries and its activities have an inciting influence over the secessionist forces in Tamil Nadu. Lifting of the ban on the LTTE would imply allowing such a deadly foreign terrorist organisation freedom to operate from India,

freedom to harness the support from secessionists/pro-LTTE elements/groups in Tamil Nadu/India which will all amount to giving a tremendous psychological boost to LTTE as well as the secessionist Tamil forces in India.

- 11 A series of cases under the Unlawful Activities (Prevention) Act, 1967, have been registered against pro-LTTE element/Tamil chauvinists in 1996, 1997 and till date in 1998, apart from other provisions of law under the Indian Penal Code, Explosive Substances Act, etc., which have helped in controlling the militant activities in the State. These cases reflect the remnants of LTTE activities and pro-LTTE groups like Tamilar Pasara, Tamil National Retrieval Troops, Tamil Nadu Liberation Army, etc. which still continue to pose a danger to the security of the State. Since the Unlawful Activities (Prevention) Act, 1967 is an important tool available to the law enforcements agencies for controlling such activities, it is very important that LTTE continues to remain an unlawful association for a further period of two years from 14-5-1998, failing which, there is imminent danger of the LTTE forces again establishing a foot-hold in Tamil Nadu, which can have a strong de-stabilising effect on the territorial integrity of the country as a whole, apart from seriously disturbing peace and tranquillity in Tamil Nadu. Subsequent to the last extension of ban on LTTE in 1996, even some of the cases that were registered during 1990 onwards and that were pending trial before the courts, have ended in conviction, which were all based on the evidence deposed and on account of unlawful acts indulged in by LTTE.

It is further stated in this background material that serious attempts are likely to be made by the LTTE to revive its support to the Tamil groups and individuals in case the ban was not extended beyond 13th May, 1998 and that the organisation will be able to set up its terrorists, subversive and disruptive activities in furtherance of its objectives besides extending its influence in neighbouring States of Tamil Nadu and other parts of the country. In the background material, the Central Government has thereafter given details of the activities of the LTTE which are detrimental to the sanctity and integrity of India rendering it necessary to declare it as an unlawful association with immediate effect. Some of these activities have already been mentioned in the notification dated 14th May, 1998 declaring the LTTE to be an unlawful association and have been quoted above.

According to the statement of Mr. Paitandy, the LTTE has created a few other pro-LTTE (TNRT and TP) organisations in Tamil Nadu in furtherance of its objectives and are seeking secession of Tamil Nadu and questioning India's sovereignty and territorial integrity. These organisations are stated to be supporters of the LTTE. In their speeches, members of these organisations allegedly

openly support the acts of the LTTE. Mr. Paitandy has given the details of pro-LTTE Organisations like Tamil Nadu Marxist Leninist Party in his affidavit which, according to him, is sufficient evidence of the continuing anti-national activity of the LTTE.

On 28th April, 1996, printed wall posters purported to have brought out by Tamil Nadu Marxist-Leninist Party (TNMLP), appealing to the people not to support the candidates who are not supporting firmly and openly the liberation of Tamil Nadu and Tamil Eelam, were found exhibited at Pochampalli (DPI).

On 28th April, 1996 printed wall posters purportedly brought out by Tamil Nadu Marxist-Leninist Party, appealing to the people of Tamil Nadu, to boycott the candidates in the elections who are not firmly and openly supporting the liberation of Tamil Nadu Eelam, were found pasted at Madras, Ambattur and Avadi.

On 13th July, 1996 protesting against the establishment of Starlite Factory in Tuticorin, a public meeting (25) was held under the aegis of Revolutionary Youth Front at Kurumbur, Tuticorin (CNR) with Malar Mannan (TNMLP) in the chair. Tamil Maran (Tamil Desiya Pothuvdaimai Katchi), Durai Arima (Tamil Desiya Iyakkam) and P. V. Ponnaiyan (TNMLP) were prominent speakers. The speakers, appealed to the people of Tamil Nadu to support the LTTE.

On 15th July, 1996 a public meeting (30) was held under the auspices of TNMLP at South Athur (CNR), Kalaiselvan (RYF), Tamil Maran (Tamil Desiya Iyakkam) and P.V. Ponnaiyan (RYF) were prominent speakers. The speakers in general called upon the people to drive out the starlite factory from Tamil Nadu soil, to support the cause of Eelam Tamils, etc.

On 16th July, 1996, hand bills brought out by Ramasamy Gunaseelan s/o. Chinnaiyan, (PMK Circle Secretary), Valavanpuram in Pattukottai PS limits (TAN) in the name of the students of Khader Mohideen College, Adirampattinam, Pattukottai Polytechnic and Govt. Higher Secondary School, Pattukottai, calling upon the Central Govt. to revoke the ban on LTTE, and the State Govt. to find an amicable settlement to Eelam affairs, pledging to accept leadership of the Tamil revolutionaries and to identify the Tamil traitors. As result of its circulation amongst the students community, 373 final year students and 285 students of the polytechnic boycotted their classes on 16-7-1996 and urged the students of Higher Secondary School to join hands in their boycott. However, at the request of the Head Master of the School, the school students withdrew their agitation. It is reported that the handbills were printed at Amman Press, Pattukottai.

On 20th July, 1996 the Second State Conference (350 including 100 women) of Radical Youth

League (RYL) was conducted at Tamil Sangam building, Salem between 0900 hrs. and 1600 hrs. with Joseph (State Secretary, RYL) in the chair. Vara Vara Rao (Andhra Pradesh) was a prominent participant. Members of Tamil Nadu Pennurimai Iyakkam also participated. Resolutions demanding employment opportunities; pledging to defeat religious fanaticism and fascism and donation system in education; and pledging to create new democracy through armed revolution, were adopted. After the conference was over, members of RYL took out a procession from near Ambedkar statue, Salem to the venue of the public meeting at Nanchampatty within Ammapettai PS limits (SLM) led by G. Mani (RYL, Salem). The public meeting (200 including 50 women) of RYL was held between 1900 hrs. and 2200 hrs. with R. Balan (RYL, Dharmapuri) in the chair. Jayaramachandran (State Organiser, AIRSF) in his speech criticised Hon'ble Chief Minister of Tamil Nadu for allowing a foreign company to establish a car factory in Tamil Nadu, while speaking about upliftment of Tamil language. He also criticised Moopanar and Rajinikanth that they were not for the poor people and asserted that armed struggle was the only solution for the people of Tamil Nadu. He also alleged that they were being banned by treating them as LTTE supporters.

On 27th August, 1996 a function (50) was got up to inaugurate the branch of Tamil Tamilar Iyakkam at Tambaram (CH. MGR-East). Suba. Veerapandian and Thiyaagu addressed. Suba Veerapandian, in his speech, stated that his party would support the LTTE and that the State Govt. alone have the right to discuss the issue of Tamil Eelam and not the Central Govt. Thiyaagu, in his speech, criticised the State Govt. for lodging the Sri Lankan refugees arriving in Rameswaram, in Special Camps and alleged that the 'Q' Branch Police and the CBI lodged the accused concerned in the Tongnova ship case in Special Camps though the Court acquitted the accused. He further asserted that his Party would demand the release of the accused concerned in Rajiv Gandhi case even if they are convicted.

On 29th August, 1996 members (144 including 86 women) of 'Uzhaikkum Makkal Viduthalai Iyakkam and Tamilar Desiya Iyakkam (TDI) led by Melkiyon (State President, Uzhaikkum Makkal Viduthalai Iyakkam), staged demonstration in front of Ramnad Palace, condemning the genocide of Tamils in Sri Lanka, warning that if the Centre extends support to Sri Lanka, Tamil Nadu would secede, etc.

On 28th September, 1996 at a public meeting (50) held under the aegis of Tamil Tamilar Iyakkam at bus stand, Ambathur (CH MGR EAST), Suba Veerapandian (State President) and Thiyaagu (State Secretary) condemned the killing of innocent Tamils in Tamil Eelam under the pretext of fighting the Tigers, asserted that Tamil Eelam would prosper soon

and appealed to the people to support LTTE. They also stressed that Tamil Nadu should belong to Tamils only.

On 26th November, 1996 Somu, Tamilar Desiya Iyakkam, Kansapuram and Rathinam (MDMK) celebrated the 42nd birthday of LTTE leader Velupillai Prabhakaran in front of Muthalamman Koil, Watrap (KMR) on 26-11-96. They burst crackers, and performed 'poojas' distributed prasadam to general public and shouted slogans, hailing Prabhakaran and 'Tamil Eelam'

Somu, (Kamarajar District President, Tamilar Desiya Iyakkam), and Rathinam (MDMK) celebrated the 42nd birthday of LTTE leader Velupillai Prabhakaran in front of Muthalamman Koil, Watrap (KMR) on 26-11-96. They burst crackers, and performed 'poojas', distributed prasadam to general public and shouted slogans, hailing Prabhakaran and 'Tamil Eelam'. In this connection on the complaint of VAO Sunderam Watrap, a case in Watrap PS Cr. No. 242/96 u/s 125, 126, 505 IPC was registered at 17.00 hrs. on 27-11-96. MDMK member Rathinam was arrested on 28-11-96 and sent for remand, while Somu was absconding.

On 24th December, 1996 the speakers, in general, stated that Tamils all over the world wished that creation of Tamil Eelam was the only solution to the Eelam Tamils, criticised the alleged inhuman way the Tamil refugees were being treated in India and stressed that it was the duty of the Centre to provide facilities to the Tamil refugees coming from Sri Lanka, asserted that if Tamil Eelam flourished, it would not affect the sovereignty of India and announced a massive procession in Chennai to support the Eelam Tamils and to form a united front to promote the feelings of the people of Tamil Nadu in favour of Tamil Eelam. Resolutions urging the Sri Lankan Govt. to stop the ongoing war against Tamils, withdraw the embargo imposed on Tamil Eelam area and to allow journalists and members of voluntary organisations to enter Eelam areas, demanding the Govt. of India to recognise the struggle of Eelam Tamils, to lift the ban on LTTE, to stop the ongoing war in Sri Lanka and find a solution to the Tamils problem through negotiations and urging the State and Central Govts. not to prevent Tamil refugees from Sri Lanka, but to provide them facilities to rehabilitate them according to international laws, were adopted. A Music programme by Thenisai Chellappa was also conducted.

The LTTE supremo Velupillai K. Prabhakaran was the focus of attention at a national convention held in Bangalore on Sunday, the 6th January, 1997. Various speakers expressed solidarity with the beleaguered Tamils in Sri Lanka and extended their support. The speakers, including Samata Party leader and MP George Fernandes declared that there was no doubt that Prabhakaran and the LTTE were the only representatives of the Tamils in Sri Lanka fighting for the cause of an independent nation. "India's record is nothing to write home about. It does not inspire confidence. Rajiv Gandhi's understanding with the Sri Lankan government to send the so-called Indian Peace Keeping Force (IPKF) is a shameful chapter in India's history. India even now is not really bothered about the innocent people getting killed and

the fact that these killings have nothing to do with the warring groups," Mr. Fernandes said. Criticising the mercenary role of the US army, he warned the Indian government to be cautious. "America may have persuaded the Sri Lankan government to hire them. My friend Nedumaran tells me that the Voice of America has set up shop across the creek off the Remeshwaram shore and soon they will have a broadcasting station." Said Tamil Eelam Liberation Front General Secretary M. K. Eelavendhan, "He is the Netaji of the Tamils. Netaji was once a terrorist for the British. Arafat was also once considered a terrorist, now he is a peace maker. The Palestinians have a land of their own. We do not. Eelam (own land) is necessary for our physical security. Gandhi too was considered an enemy by the British, before we obtained our freedom." Eelavendhan has been living in Chennai as refugee for the last 13 years. Former Tamil Nadu M.L.A. Nellikuppam Krishnaswamy explained why there was a groundswell of support for the LTTE's cause. "Varadaraja Perumal, who claimed he represented Sri Lankan Tamil, was a coward. The other Tamil groups like the EPRLF, ENDLF, TULF and others have all become defunct. Under such circumstance, the LTTE is the only support for the Tamil living in Sri Lanka." LTTE literature, audio-cassettes, calendars and photographs prepared by different organisations based in Chennai, Bangalore, Thindivanam and other places were up for sale at the Bangalore Tamil Sangam auditorium, venue of the convention. Literature included poems and lyrics written by the Puligal (Tigers). Crowds thronged the venue and scanned through, the English and Tamil literature. Pirabhakaran's picture were fast sellers. A member of the Committee to protect Tamils Pon Nilaven said : "The exhibition and convention is aimed at spreading awareness among the people as to what is happening in Sri Lanka." Though he denied that the convention was aimed at garnering support for the cause of Eelam, the speakers contentions contradicted each other. "We are not allowed to talk in support of the LTTE. We are arrested and then human rights becomes our issue. The cause of the Tamils is lost. We have nobody to support but the LTTE," he said. Among the speakers were three visitors from Tamil organisations in USA, Dhanasekharan, S. Krishnan and Muthuvel Chellajiah. Party leaders in Tamil Nadu like P. Nedumaran of Tamil National Front, V. Gopalaswamy of MDMK and R. Ramadas of PMK were praised for their support to the Tamils in Lanka. Mr. Nedumaran, who was the Chief guest of the convention, conjured up the convention theme in one sentence. "Without Tigers, No Tamils." His party would hold a similar convention in Madurai on January 19 where 35 organisations would participate. A committee headed by former Supreme Court Judge Justice V. R. Krishna Iyer was formed at the Bangalore Tamil conference to work out a formula to end the ethnic strife in war-torn Sri Lanka. Justice Iyer who could not attend the convention, however, agreed to head the committee when contracted by the organisers. There wishes of the Bangalore conference may not materialise unless there is some instrumentality set up to make proposals operative. I hope with a creative imagination and sensitive realisation, the conference will set up an action committee whose first

priority will be to see that there is cessation of violent operations," the message said.

Beside the above, affidavit also gives in detail the activities of pro-LTTE organisations where they have been openly supporting the lifting of ban upon the LTTE and supporting their cause. These organisations have also been condemning the United States for imparting training to Sri Lankan army and supply of weapons and are demanding the withdrawal of ban on LTTE. These organisations have even burnt the United States flag for designating the LTTE as the terrorist organisation. According to Mr. Paitandy, from his statement, it was evident that despite the ban which was in existence since 1992, the LTTE on its part is continuing to engage in activities prejudicial to the security of the country and has persisted with violent and disruptive activities. The seizure of a large quantity of cyanide capsules, automatic weapons, wireless sets clearly give distressing signal of LTTE's objectives which apprehension is strengthened by the arrest of the LTTE cadres Pandian Muralidharan and Vijaykumar a Visakarathinam in Chennai in 1997-98 respectively and the presence of four LTTE cadres who are still at large in the State of Tamil Nadu. There is a continuous flow of refugees because of on-going strife in Sri Lanka and in case, according to Mr. Paitandy, the ban was not extended it would increase the chances of infiltration by LTTE and engage in subversive activities openly.

According to Mr. Paitandy, therefore, in view of the activities of the LTTE mentioned in his affidavit and annexures annexed thereto, the Central Government was of the opinion that LTTE was an unlawful association within the meaning of the Act and was accordingly declared as such by notification dated 14th May, 1998.

In his cross-examination by Mr. Chandrasekaran, learned counsel for the LTTE, Mr. Paitandy stated that in the opinion of the Government Tamil home lands mentioned in the Constitution of the People's Front of Liberation Tigers means the inclusion of Tamil speaking areas of the Indian Union as well in the Tamil Eelam though the same was not specifically mentioned in the Constitution of the People's Front of Liberation Tigers. It is mentioned in the Constitution of the said Front that its objective was to protect and preserve the geographical identity and integrity and the traditional home lands of the Tamils and Muslims and in the opinion of the Government, therefore, the inference was irresistible that while the immediate struggle of Liberation Tigers of Tamil Eelam was against the Government of Sri Lanka for the establishment of Tamil Eelam, its larger objectives, given the geographical contiguity and ethnic affinity would include the Tamil areas of India as well. According to him, this inference was verified by the evidence which has been collected and which has been mentioned in his affidavits and the annexures annexed thereto. He denied the suggestion given by Mr. Chandrasekaran that the opinion of the Government was wholly imaginary or that the stand of Government of India that the LTTE continues to adopt a strong antinational posture and continue to pose a grave threat to

the security of the high dignitaries was imaginary. He also denied the suggestion that the Government did not apply its mind in declaring the LTTE as an unlawful association.

On behalf of the State of Tamil Nadu, Mr. T. V. Ravichandran, Superintendent of Police, 'Q' Branch, CID, Tamil Nadu, filed his affidavit exhibit PW-2/1 along with annexures which had been collectively marked as exhibit PW-2/2. His cross-examination was conducted by Mr. N. Chandrasekaran on behalf of the LTTE on 1st November, 1998 when the Tribunal held its sitting at Trichi.

Mr. Ravichandran in his affidavit has stated that there is a need for extension of ban on the activities of the LTTE and for declaring the same as an unlawful association. The LTTE, according to Mr. Ravichandran, was creating disaffection towards India, demanding a separate nation for all Tamils, through their supporters and both individually and organisationally. He has given instances of the activities of pro-LTTE organisations and Tamil chauvinist groups and individuals, etc. which had come to the notice of the Government of Tamil Nadu. These activities, according to Mr. Ravichandran, clearly exhibit their pro-LTTE stance, their sympathies for the on going LTTE struggle and for their leader Prabhakaran, their sympathy for Tamil Eelam concept and also for secession of Tamil Nadu from India. Some of the instances mentioned in his affidavit were as under :—

In the PMK Conference on the protection of Eelam Tamils during November, 1996, the LTTE supremo V. Prabhakaran, the main accused in the Rajiv Gandhi assassination case, was hailed by the speakers. Besides, there were also appeals for recognition of Eelam, the Tamil homeland for which the Tigers were waging a war for over 13 years. In the course of his speech, one Maniarsan had placed Prabhakaran on a higher pedestal than Fidel Castro and Che Guevara. Another speaker, Thiyagu in the course of his speech, had ruled out the possibility of any negotiations in the absence of LTTE supremo V. Prabhakaran or the Tigers. The pro-Tigers rhetoric was evident through the sessions of the conference wherein Suba. Veerapandian, one of the associates of Thiyagu, equated Eelam Tamils with the Tigers. The speaker further said "When we say once that we support Eelam Tamils, it amounts to saying that we are suffering the Tigers a hundreds times". A copy of the news capsule that appeared in the *Times of India* dt. 22-11-96 is enclosed as Annexure A-1.

The PMK, in an obvious attempt to escape the possible consequences of its utterances in public meetings and conferences on the Tamil Eelam issue, has openly said that it was not a pro-LTTE conclave. Though this was stated openly by one of the General Secretaries C. R. Baskaran, Dr. Ramadoss had himself said that he did not mind making any sacrifice in support of Tigers and also urged the Hon'ble Chief Minister of Tamil Nadu to come out in open support towards the causes of Tamil Eelam. Dr. Ramadoss and some of the party

leaders had been to Switzerland to participate in a pro-LTTE function organised there. Demands such as lifting of the ban on LTTE and recognition of Tamil Eelam, were the important demands among others. Apart from this, the speakers have also ventilated their feelings that Kashmir is not an integral part of India. A copy of the press clipping of the *Times of India* dated 27-11-96 is appended as Annexure A-2.

The PMK held a conference under Eelam Tamil Protection Conference at German Hall, T. Nagar, Chennai on 19-11-96 wherein Maniarsan, Secretary of Tamil Desa Poduvudaimai Katchi and Suba. Veerapandian, Secretary, Tamil Tamilar Iyakkam, supported the cause of LTTE. Sequel to this, the Chennai City Police have registered a case in Chennai City 'X' Cr. No. 1054/96 u/s. 10, 13(1) and 13(2) of Unlawful Activities (Prevention) Act and Sec. 156(B) IPC. Both the accused were arrested on 5-12-96. (Copy of the letters in C. No. 696/SB. VI/96 dated 11-12-96 and 6-12-96 of the Commissioner of Police, Greater Chennai received in this connection, are enclosed as Annexures A-3 and A-4 respectively).

Following the rally and the Conference held by the PMK party on 1-2-97 at Chennai, a letter in C. No. 5/SBVI/97 dt. 7-12-97 of the Commissioner of Police, Greater Chennai, detailing therein the various resolutions adopted besides the procession that was taken out, is enclosed as Annexure-A.6. In the course of his speech, Ajit Singh Baines said that even if the Eelam Tamils were exterminated, their objective of attaining an independent Eelam cannot be suppressed. Anaimuthu, another speaker criticised the Govt. of India of preventing the aid offered by the United Nations to the Eelam Tamils and exhorted the Tamils to speak about the problems encountered by Eelam Tamils always. Prof. Dheeran said that the self-respect of Eelam Tamils was obtained only by the LTTE supremo Prabhakaran in the international arena. He questioned as to why they should not raise their voice against the ban imposed on LTTE. Dr. Ramadoss said that there was a threat to detain them under the provisions of NSA so that the conference could be stalled and further said that in the event of their considering that there would be security threat to the country, they are even prepared to go to jails and they are not scared.

Similar pro-Tamil Eelam conference was held at Coimbatore during February, 1997. This conference was held under the aegis of PMK and Tamil Desiya Iyakkam. Suba. Veerapandian, President of Thamizh Tamilar Iyakkam, who was arrested for his pro-LTTE speeches said that his organisation is fighting for the self-determination of Tamils, social justice and the welfare of Tamils all over the world. He further said that there is a growing pressure from the cadres to take the Tamils issue beyond the LTTE and make it more relevant for Tamil Nadu. A copy of the paper cutting of the *Hindu* dated 16-2-97 is enclosed as Annexure A.7.

On 16-12-96 at 1800 hrs. in front of Thanjavur town bus stand, accused K. Palanimanickam, Thanjavur Distt. Secretary, Tamil Desa Podu Udaimai Katchi and Ayanpuram Murugesan, State Secretary of Tamilar Desiya Iyakkam, while addressing street corner meetings, condemned the arrest of Maniarasan and Suba Veerapandian. In the course of their speech, they criticised the Hon'ble Chief Minister of Tamil Nadu for arresting both Maniarasan and Suba Veerapandian out of fear of Jayanthi Natarajan, the then Union Minister of State and member of Tamil Manila Congress. The news spread outside only after the arrest of Maniarasan and Suba Veerapandian, who spoke in support of the Eelam Tamils and Prabhakaran. He said that the awakening of the people may not change and wondered whether there was none to speak about Eelam Tamils and Liberation Tigers and Prabhakaran, if Maniarasan and Veerapandian were lodged in prisons. In his address, Ayanpuram Murugesan, State Secretary of Tamilar Desiya Iyakkam said that the country knew that the Chief Minister of Tamil Nadu will act against the supporters of Tamil race and its enthusiasts and with a view to safeguard his position. Maniarasan and Suba Veerapandian were arrested. It is the duty of the Tamils to support the Eelam Tamils who struggle in Eelam. He exhorted people to extend support to Prabhakaran. In the minds of Tamil Youth, the 'Tamils' feelings are like smouldering fire. The feeling of Tamils cannot be suppressed. The people of Tamil Nadu will continue to support. Following the above speeches, there was commotion among a section of the audience and thus the speeches delivered by members affected the public morale. Because of their speeches, the law and order was affected and hence a case in Thanjavur Town (East) PS Cr. No. 973/96 u/s. 153(A), 504 and 505 IPC, was registered and the accused were arrested and sent for remand. The translated version of the FIR in English is enclosed as Annexure A-17.

Further in his affidavit, Mr. Ravichandran states that as per the Constitution of People's Front of Liberation Tigers (PFLT) which is a political front of the LTTE, the object of the Front is : (i) to fight for the rights of self-determination of the Tamils and Muslims; and (ii) to protect and preserve the geographical identity and integrity of the traditional home land of the Tamils and Muslims. While the immediate struggle of the LTTE was against the Government of Sri Lanka for the establishment of a separate Tamil Eelam in the North and North-Eastern provinces of Sri Lanka, its larger and ultimate objective was to form a large Tamil country including parts of India where Tamils live and thus pose a grave threat to the sovereignty and territorial integrity of India. The LTTE has established Tamil National Retrieval Troops, a militant outfit and the members of this organisation, according to Mr. Ravichandran, were instructed by the LTTE hierarchy to annihilate those who are against the LTTE's objective for a separate nation for Tamils and had gone even to the extent of instructing the members to loot police armouries and to revolt against the Government established by law. LTTE members were arrested in India with fire-arms, cyanide capsules, wireless equipment and code sheets used for communication. In this connection, he has referred to the arrest of Pandian @Muralidharan on 8th February, 1997 which has also been

mentioned by Mr. Paitandy in his affidavit. Similarly, he has also given the instances of incidents of November, 1996; 4th June, 1997 and 20th January, 1998 details of which have already been given in the affidavit of Mr. Paitandy. According to U.S. State Department's report on global terrorism, the LTTE had plotted a suicidal attack on the former Prime Minister Mr. P. V. Narsimha Rao during 1995. The report says that the LTTE conducted a planned suicide bombings against Mr. P. V. Narasimha Rao, according to Sri Lankan officials and Govt. Offices in Colombo. Suba Veerapandian of Tamil Tamilar Iyakkam, speaking at a pro-Eelam Conference in Coimbatore in February, 1997, said that "his organisation is fighting for self-determination for Tamil Nadu and that there is growing pressure from cadres to take the issue beyond the LTTE and make it more relevant to Tamil Nadu".

It is further stated by him that addressing an indoor meeting at Karur on 11-1-97, Pon. Kittu referred to the Eelam struggle and said that "there was a fear that India would split; and that he wanted the same to happen". Such attempts would indicate that certain sections tend to emulate LTTE and may strive to work for a similar struggle in India. The fact that LTTE would not be adverse to encouraging such aspirations is evident from the support it lent to Tamil National Retrieval Troops and Tamilar Pasaria. Activists of these two groups drawn from Tamil Nadu were trained and armed by LTTE in Sri Lanka and sent into India. These would show that LTTE was a direct or indirect cause for sowing seeds of secession feelings among vulnerable sections in Tamil Nadu. Further, LTTE members and its agents have been attempting to engage in smuggling from India, to transport medicines, POL, electrical goods, etc. In the process, they have been attempting to subvert gullible fishermen to serve their interests and have been trying to work in association with smugglers. Such activities tend to destabilise the economic interests of India. Attempts by LTTE agents to operate clandestinely by using boats for smuggling activities are also an intrusion of the territorial integrity of India.

Mr. Ravichandran further in his affidavit has referred to the TNRT case and the Padmanabha murder case. In addition to the above, Mr. Ravichandran also referred to the speeches made by some of the speakers of pro-chauvinist organisations to prove their tacit support to create separate Tamil State for all Tamils from the Indian soil. Some of the instances were as under :—

In a public meeting organised on 15-7-96 under the aegis of Tamil Nadu Marxist Leninist Party and Radical Youth Front at South Athur in Chidambaranar District, Tamilarasan said that "... the Centre would say that you are in India. Immediately, we should say that "we should be left alone". Even if we speak of integration, if Tamil Nadu wants to be independent, we will be the first person to raise our voice for the liberation of Tamil Nadu. He further contended that we may induce people to raise their voice in revolt and attain anything through revolutionary means. Armed revolution will be the ultimate

end of such revolutions". Another speaker Thamizhmanthan (RYF) had referred that in Eelam, the Tamils irrespective of their caste, religion, culture are fighting under the leadership of Prabhakaran... Ponnian of Tamil Nadu Marxist Leninist Party said that it is not fair to extend the ban on LTTE here. He asserted that support will be extended to Eelam Tamils as long as the youths in Eelam Tamil continue their struggle there..." Copy of the translated version in English is enclosed as Annexure B-1.

In the public meeting held under the auspices of Tamil Nadu Marxist Leninist Party at Kangeyam in Periyar district on 20-9-96, T.R. Ravanam (TNMLP, Kangeyam) said that "in order to extend support to the Liberation Tigers and to resolve it on the floor of the Assembly, we took out a procession at Chennai during 1995. But more than 500 were arrested by the Police and sent for remand. Even now, we are organising agitations demanding lifting of ban on LTTE. For the same cause, we are going to hold a public meeting at Karaikudi. The Liberation Tigers are very just. They do not indulge in any smuggling activities. The cases against the Liberation Tigers are proved to be false and concocted. Despite, there is ban on LTTE in India. They are under the impression that if LTTE wins in their struggle, there would be insurgency in Tamil Nadu. It would affect national integration. ... There is liberation struggle in Kashmir. They are demanding expulsion of Indians from that State. Similarly, in Assam, Nagaland, Manipur, people resort to liberation struggle. These struggles are in advanced stage. Even in Tamil Nadu also, the liberation struggle has begun through Marxist Leninist Party. He questioned as to "where is India as a Nation?" All the linguists have begun to struggle for their rights. Hence, there is no Indian National integration... The Indian Intelligence Agency RAW realised that if the liberation struggle under the lead of Prabhakaran attains total liberation and independence, it would have similar effect on Tamil Nadu also. The self respect of Tamils in Tamil Nadu is always on the fore... The struggle organised by the Tigers in Eelam is not the one that has occurred in Eelam alone, but it would culminate even in Kangeyam. At the conclusion of his speech, the speaker said that even if you mobilise the entire force and station them near the Indian ocean, we will continue to send the essentials through other means through sea. The situation in Eelam would occur even in Tamil Nadu..." A copy of the translated version in English is enclosed as Annexure B.2.

Addressing a symposium on 9-3-97 at Chennimalai in Periyar district held under the aegis of Tamil Nadu Marxist Leninist Party, K. V. Ponnian said that members belonging to DMK, PMK, Tamil Desya Podu Udaimai Katchi, Tamil Nadu Marxist Leninist Party of Sathyamangalam area will raise their voice in unison under the banner of Tamilar Panpattu Kazhagam for the sake of Eelam Tamils and Tamil Nation. He further said that they are going to create an army for Prabhakaran and are going to create a separate Tamil Nadu. He also said that the liberators of Tamil Nation have come together and this meeting has been convened to announce the same. O.K. Muthsamy, Joint Secretary of MDMK said that even though many have extended support to the liberators, only leaders like Vai. Go. and P. Nedumaran got first hand information about the liberators by visiting them in person. We asked the Indian Govt. to send the IPKF to Sri Lanka where the people in Eelam were engaged in their struggle. He said that the Tamils should be protected. But the army sent there, had snatched their arms. They did not help in any way. If Tamil Eelam comes forth, more temples for Prabhakaran would spring up. He further said that if Tamil Nadu becomes independent, we could extend support. Copy of the translated version in English is enclosed as Annexure B-3.

Speaking on the occasion of the May Day celebration on 30-5-97 at Veerappanchatram, Erode, Periyar district, under the aegis of Tamil Nadu Marxist Leninist Party, A.R. Pari (Tamil Nadu Marxist Leninist Party) said that all the parties who speak of nationalism should be driven out of Tamil Nadu. If anybody speaks of Indian nationalism, he would be assaulted and driven out. He said that the future of Tamil Nadu should be lead by Karmugla. In future, the land for Tamils should born in Eelam. Another country should form in Tamil Nadu for Tamils. The future Tamil Nadu would march towards socialism. T.R. Ravanam (TNMLP) said that there is no separate country for the Tamils and the Tamils are living as slaves. The Tamils do not realise the present position in Tamil Nadu. The lives of Tamils are ruined. Unless it is realised that Delhi people are making us to struggle, a revolutionary struggle, a liberation struggle cannot be carried on with. He also said that "we are advocating liberation of Tamil Nadu and Tamil Nadu Marxist Leninist Party is the real Communist Party". He also said that the Indian nationalism is false and Tamil Nation is the real alternative. He exhorted all the people to be mobilised for the liberation of Tamil Nadu and called upon to support the causes of Eelam Tamils and the liberation struggle. Prof. Abdul Khader of Vaniyambadi during the course of his speech said that even in the National Anthem, there is no word "India". The objective of the Tamil Nadu Marxist Leninist Party is to attain a separate Tamil Nation for Tamils. A nation is

based on its language. The Tamils are defaced under the garb of India. He further said that if there is a country Eelam, they really struggle for their liberation. If medicines are sent to Eelam, they are arrested and cases registered in Tamil Nadu. The speaker further raised a question as to when Smt. Bandaranaike was permitted to have treatment in Kerala, why the Govt. prevents in sending medicines to the starving Eelam Tamils. If the Indian nationalism comes to the force when medicines are sent, it would become the objective of the speaker to save the Tamil race. He also cautioned when the Government is not bothered of the speaker, then the question of his bothering the nationalism does not arise. He further reiterated that it is only Tamil Nadu Marxist Leninist Party that could give independence to Tamils. In the symposium, resolutions were also adopted calling upon all the political parties to observe a day's bundh on 6th June in sympathy with the Eelam Tamils and called upon the party cadres to mobilise all the people, organisation and commercial establishments to extend their co-ordinated support, and also demanded the lifting of ban on LTTE in the country. K.V. Ponnian (TNMLP) at the conclusion of the symposium had virtually called for victory of Tamil Nadu Liberation party. A copy of the speech report in translated version in English is enclosed as Annexure B.4.

Thanjavur district—Thanjavur Medical College Hospital PS Cr. No. 154/97 u/s. 3 of Explosive Substances Act, 1908, Sec. 4 of Prevention of Damages to Public Property Act, 1984 and Sec. 10 of Unlawful Activities (Prevention) Act, 1967

This case relates to the bomb explosion that had occurred on 6-6-97 at 0025 hrs. at the TV Relay Station situated at Sriram Nagar, Second Street, Eswari Nagar, Thanjavur, housing the TV relay station. The facts of the case are that two unknown persons threw explosive materials on it, while one exploded another remained unexploded in the campus. In the course of investigation of the case, it also came to light that one of the bombs thrown by the miscreants fell beneath the dish antenna and it did not explode. The other explosion in the dish antenna and the wire mesh of the antenna measuring 1' x 1' in diameter was damaged. The damage was estimated at Rs. 2,000/-. At the scene of crime, six handwritten notices purported to have been brought out by Tamil National Red Army were found thrown outside the compound wall demanding action against the Sri Lankan Army for their hostilities towards the Sri Lankan Tamils, demanding action against the Sri Lankan Navy for killing the Indian fishermen, demanding the Central Government to interfere in the issue, etc. It is, therefore, evident that this militant organisation "Tamil National Red Army", with chauvinist ideologies in support of the LTTE, a banned organisation in India, has been advocating their ideals. Following sustained investigation, the State Q Branch, CID have arrested Kalai @ Ravi @ Ravichandran 27 S/o. Panchanathan of Sithamalli, Aranthangi, Cuddalore district and Vilupanankurichi Sekar S/o. Periysamy of Perambalur district. A copy of the report of the Dy. Supdt. of Police, Q Branch, CID Tiruchirapalli dated 7-6-97 together copies of the photographs taken at the scene of crime are enclosed alongwith the Tamil pamphlets

brought by the miscreant at the scene of crime are appended as Annexure D. 6. In the above pamphlets, they have called upon the Indian Government to recognise Tamil Eelam as a separate nation, to impose a ban on economic aid to Sri Lanka, etc. All these acts clearly show the existence of a continuing milieu, which requires continued vigil, monitoring and continued appropriate action to further curb the militant/secessionist activities, which have an explosive potential. A copy of the Special Report submitted by the Dy. Supdt. of Police, Q Branch, CID, Trichy to the Inspector-General of Police, Q Intelligence, CID, Chennai dt. 7-6-97 together with enclosures thereon is appended as Annexure B.5.

The above material, according to Mr. Ravichandran, clearly indicate the threat posed by the pro-chauvinist groups and their tacit support to the LTTE in their on-going strife to achieve the objective of a separate State for Tamils which affect the sovereignty and territorial integrity of India and Tamil Nadu in particular.

Mr. Ravichandran has then referred to the cases registered under the Unlawful Activities (Prevention) Act, 1967 since the ban was imposed during 1996. Besides the cases which have already been referred to in the paragraph 7 of this report, Mr. Ravichandran has also referred to the following case which has been registered under the Unlawful Activities (Prevention) Act, 1967 :—

Madurai City 'Q' Branch CID Cr. No. 1/96

A racket in Madurai for procuring/despatching supplies for the LTTE was smashed during November, 96 by the Q branch, CID in the intensive operations in Madurai, Ramanathapuram, Trichy, Coimbatore, which led to the arrest of 19 accused including 9 LTTE cadres/operatives and large scale seizures including incriminating materials such as HF Set, Global Positioning System, etc. A case in Madurai City Q Branch CID Cr. No. 1/96 under Sec. 120-B IPC r/w. Sec. 13 (2) of the Unlawful Activities (Prevention) Act, 1967 and Sec. 25 (1) (a) r/w. Sec. 7 of Arms Act, 1959 and Sec. 3 r/w Sec. 12 of Passport Act, 1967 had been registered. Sequel to the detection of the case, the following seizures were effected besides other incriminating documents :—

Cash	Rs. 23,900/-
Gold Biscuits	23
9 mm pistol with 64 rounds	1
Walkie talkie sets	2
Cement bags	15
A.C. generator	1
Leather belts	
Welding electrodes	
Colour T.V.	
Aluminium vessels	
12 Volt Exide battery	
Furniture	
Code Sheets	8
Navigational map	1
ICOM/HF Trans-receiver	1
Global positioning system (Direct finder)	1
Fuses	
BNC/Connector	1

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890 gms.

Mr. Ravichandran has referred to the report published the Times of India on 8th January, 1997 to support his intention that in order to achieve their common objective, namely, separate homeland for all Tamils, the LTTE continues their militant pursuits which threatens the sovereignty/territorial integrity of India. Besides the report, the other material referred to by Mr. Ravichandran in support of his intention was as under :—

The LTTE has in recent months not only consolidated its base in Bangalore, but is even using the Karnataka capital as a conduit for getting arms from Pakistan's ISI and other foreign terrorist outfits. The recent spurt in LTTE activities in Sri Lanka forced the organisation to look for safe deports for its cadres and it has found Bangalore to be safe haven. Bangalore is not a large base like Madras as used to be for the LTTE but the metropolis has become an important haven and a source of arms for many of its middle-level and even high activists. The cosmopolitan nature of the city and its related proximity to Jaffna has made Bangalore an ideal hideout. With more and more countries cracking down on arms supplies to terrorists, the LTTE has been hard pressed to find sources of weapons. Pakistan, which has a surfeit of weapons it got from the U.S. to fight the Afghan war, has become a ready source for the LTTE. A good number of LTTE activists continues to be holed up in different parts of Bangalore and the ISI has made significant inroads in Gulbarga, Bidar and Uttar Kannada districts. A copy of the press clipping of the Times of India dated 8-1-97 is enclosed as Annexure C.6 in support of the above information.

It was reliably learnt that the Police net work on the coastline of Krishna district in Andhra Pradesh have been alerted following reports that a ship belonging to the LTTE is moving in the Bay of Bengal. According to the State Special Branch sources at Machilipatnam, the ship was presumed to be carrying arms and ammunition for supply to terrorists in the State. It was suspected that fishermen fishing in the seas in their mechanised boats were supplying food and fuel to the ship. A copy of the newspaper cutting of the Hindu dated 13-4-96 is enclosed as Annexure C.8.

The Sri Lankan Government has obtained proof that the LTTE is sending cadres to South India mingled with civilians smuggled across the Palk Strait. Two members of the LTTE identified as Anton Yogarajah of Ullaitivu and Anniah Gajendran of Kankesanthurai for whose arrest the Sri Lankan Government has issued detention orders were among the Tamils detained by the Sri Lanka. They had been handed over to Mannar Police for investigations. A copy of a press clipping from the Island dated 21-9-96 enclosed as Annexure C.11 bears testimony to it.

The LTTE, besides the above acts of terrorism, are posing a grave threat to the lives and security to the Hon'ble Chief Minister of Tamil Nadu and his son Thiru M.K. Stalin, Mennai Corporation. According to the Intelligence Digest, plans were afoot to eliminate the Hon'ble Chief Minister in a manner to pass the blame on rival Tamil extremist faction.

On a further probe, it came to light of the immense need for upgradation of the security arrangements for the Hon'ble Chief Minister of Tamil Nadu. An extract from the Bulletin for January, 1997 of the Intelligence bureau is enclosed as Annexure C.12.

According to Mr. Ravichandran, therefore, it was evident that the LTTE was the brain behind the militant acts mentioned in his affidavit and from the speeches of the members of pro-LTTE organisations it was clear that the Tamil Eelam concept still remains a goal among the pro-LTTE groups and the process was still at work to further its cause, thereby contributing to the said highly vulnerable milieu in which LTTE's free functioning in India as a lawful association was likely to be highly detrimental to the sovereignty and territorial integrity of India. According to Mr. Ravichandran, LTTE continues to be an extremely potent terrorist force in Sri Lanka and presently is one of the deadliest terrorist organisation in the world with strong connections in Tamil Nadu; and so long as Sri Lanka continues in a state of ethnic strife torn by the demand for Tamil Eelam, it will continue to find a strong echo in Tamil Nadu due to linguistic, cultural, ethnic and historical affinity between the Sri Lankan Tamils and Indian Tamils. In Sri Lanka and in Tamil Nadu, the pro-LTTE groups will always try to stimulate the secessionist sentiments to enhance the support base of the LTTE in Tamil Nadu which will have an adverse influence over the territorial integrity of India.

Despite being banned first in 1992 to be effective for two years and the subsequent extensions from time to time, the LTTE continues to be in their hot pursuit of terrorist acts unmindful of its effects. According to Mr. Ravichandran, the instances that had come to the notice subsequent to the last extensions were :—

A fishing trawler loaded with chemicals was seized by the Indian Navy in the high seas off Rameswaram in the early hours of 3-4-96. The occupants of the trawler, however, escaped. The Navy seized 120 lbs. of chemicals from the trawler and the chemical was intended to be smuggled to Sri Lanka. The Navy personnel have confiscated the trawler and have registered a case against its owner. A copy of the paper clipping that appeared in the Hindu, date 5-4-96 is enclosed as Annexure E.2.

The fisherman from the southern coast of the State are venturing into sea amidst a fear psychosis following reports of Sri Lankan Tigers intercepting their trawlers and robbing them farther in the sea. Instances of the Tigers threatening the fishermen at gun point off Katchatheevu and hijacking their trawlers have been on the increase. It is said that the Tigers berth the trawlers at the Bay of Nachi in Sri Lanka, remove the car battery, diesel and engine oil from them before letting them back in the sea. Once in the sea, the trawlers cannot be started without battery. In some cases, they towed them and brought ashore and in others they are tugged ashore. The Tigers steal the battery and fuel saying that they need them as attacks are about to resume in Sri Lanka. According to the authorities, the fishermen are afraid even to lodge a complaint. A copy of the newspaper cutting of the

Indian Express dated 8-5-96 is enclosed as Annexure E. 3.

According to the information, the possibility of entry of LTTE militants in the wake of Army action was expected by the Security forces, including the naval detachment in the first phase of the army action but they were surprised to notice that there was absolutely no movement then. There were only three entry points for the militants in the past—Rameswaram, Point Calimere and Pillayar Thidal between Mallipattinam and Manora in Thanjavur district. The proximity of these places to Sri Lanka made them to use these routes. These routes came to light after the occurrence of certain sensational cases like Padmanabha murder case and the Rajiv Gandhi assassination case. Of late, Rameswaram route is being used by the LTTEs. Hence, the indulgence in unlawful acts by LTTE and their cohorts cannot therefore be ruled out. A copy of the paper clipping of the Hindu dated 3-7-96 is appended as Annexure E. 4.

Consequent on the spurt in the ongoing violence in Sri Lanka, the LTTE have been advising the Sri Lankans to evacuate from their places and cross over to Tamil Nadu in order to avoid being victimised in the cross fire. According to the information, 200 odd Sri Lankan Tamil refugees who were detained by the Sri Lankan Navy while sailing in two Indian trawlers to cross over to Tamil Nadu on November 14, 1996 complained to Manner officials that they were forced to get into the boats by the LTTE. The six member Indian crew, who were detained along with the refugees, also complained that they were forced at gunpoint by the LTTE in the mid sea to take the refugees to Mandapam and Ramanathapuram in Tamil Nadu. The LTTE asked the crew to take the refugees to designated places and declare them as refugees to the Indian officials, while the refugees were asked to contact the LTTE refugee organiser based at Madurai. It is further reported that nearly 20,000 people were waiting in temporary Govt. refugee camps as Vavunniya for clearance by the authorities. Those who could not pay the money, are forced by the LTTE to get into Indian fishing trawlers captured by it at Iraniathivu, Vadithaltheevu, Chilwathurai and other LTTE camps. A copy of the press cutting of the Times of India dated 21-11-96 bears testimony to it and it is appended as Annexure E. 5. As a result of the refugee influx into the State, much financial constraints on the part of the State's exchequer is caused. Following the spurt in their on going struggle, from 31-7-96 to 28-2-98 about 63,500 Tamil refugees have arrived in Tamil Nadu comprising of about 3800 families.

In view of the ongoing struggle with the Sri Lankan security forces and consequent embargo on essential commodities from the South of Sri Lanka to the strife torn areas in the North of Sri Lanka, there was a great demand for essential commodities in the North of Sri Lanka for day to day consumption. With a view to overcome the shortfalls, the LTTE had been luring the fishermen and other local smugglers with a good amount of premium on these commodities and taking advantage of such huge offer the local smugglers and some of these chauvinist organisations are indulging in smuggling and as a consequence thereof a con-

stant vigil is being maintained by the State Law enforcement agencies in coordination with other agencies. As a result of continued vigil maintained, the following seizures were effected since the last extension on ban :—

Petrol	14,304	ltrs.
Diesel	1,303	ltrs.
Kerosene	100	ltrs.
Engine Oil	7,360	ltrs.
Brake Oil	2½	ltrs.
Accilator Oil	1	cans
Resin Oil	3	cans
Mobile Oil	1	litre
Gun Oil	2,450	ltrs.
Thinner	694	ltrs.
9 mm Pistol	3	
Ak 47 rifles	2	
Rounds	166	
Cartridges	23	
Welding electrodes	1,108	
Battery cells	7,690	
Gelatine sticks	66	
Detonators	74	
Fuse wire	72	mtrs.
Fibre mats	36	
Boats	2	
Rubber tubes	150	
Cone bundles	4	kgs.
Spade	90	
Magazines	1	
Cyanide Capsules	78	
Copper wire	240	rolls
LTTE magazine	50	
Beedi bundles	20	
Vanishing cream	75	tubes
Automobile spares worth	Rs. 10,000	

The smuggling activities of the LTTE, according to Mr. Ravichandran, would also have a destabilising effect on the economic interest of the country. He, therefore, states that in view of the material placed by him on record on behalf of the State of Tamil Nadu, the notification declaring the LTTE as an unlawful association requires to be confirmed.

In his cross-examination by Mr. Chandrasekaran learned counsel appearing on behalf of the LTTE, it was stated by Mr. Ravichandran that on the basis of the material seized and other information received, he stated that the LTTE continues to have its operations in the State of Tamil Nadu. He stated that in spite of the strict police action, the LTTE activities were continuing in the State. He further stated that though the activities of the LTTE had been curtailed in the State but the manner in which they still continue to operate, the Government apprehended that their activities were not in the interest of the country and the State. He denied the suggestion that the Chief Minister of the State had made a statement that LTTE was not carrying on any activity in the State. He admitted that though in its Constitution it is not mentioned that the ultimate objective of the LTTE was to form a large Tamil country including the parts of India where the Tamils live, however, the inference was drawn by the

Government that the main objective of the LTTE was to form a separate homeland including a part of Indian territory for all Tamils, from the cases relating to Tamil National Retrieval Troops and Tamarai Pasurai which groups were given training and other material assistance by the LTTE and were sent back to India for operating in the State of Tamil Nadu. He admitted that in the Tamil National Retrieval Troop's case there were in all 32 accused. Trial started only against 22 accused and out of the remaining 10, 9 were absconding. Of the absconding accused, four were members of the LTTE and they had, therefore, not faced trial. He denied the suggestion that the accused who were members of the LTTE were acquitted of the charge under Section 120-B IPC in the said case. He further stated that one accused, namely, Suseendran Mahesh was convicted in Tamil National Retrieval Troop's case by the designated Court for the charge of harbouring Shivrasan and Subba who were the accused in Rajiv Gandhi Murder case belong to the LTTE. He denied the suggestion that the opinion of the Government that the larger objective of the LTTE was to form a Tamil country consisting of some parts of Indian Union was wholly imaginary.

On this evidence, it was argued by Mr. Chandrasekaran on behalf of the LTTE that there was no basis for the Government to form the opinion that the LTTE's larger objective was to bring into existence a separate Tamil country carved from India and Sri Lanka. He has submitted that the LTTE has never interfered in the internal affairs of India and it respects the sovereignty and territorial integrity of India and that it had always been seeking the help and aid of India in achieving its goal of Tamil Eelam in Sri Lanka. To substantiate his argument, Mr. Chandrasekaran has referred to the interview given by Mr. Prabhakaran to the magazine "Gentlemen" in the year 1986 which was allegedly published in the booklet titled "WE ONLY DEFEND OURSELVES WHEN WE ARE ATTACKED". He has submitted that the allegations made by the Government that the LTTE continues to pose a threat to the security of Indian nationals could not be accepted. He has quoted in detail the excerpts from the interviews given by Mr. Prabhakaran, the LTTE leader to various newspapers and magazines and has also referred to the "Thimpu Declaration" issued after a meeting allegedly held between the Tamil militant groups, namely, T.E.L.O., P.L.O.T., E.R.O.S., E.P.R.L.F., T.U.L.F. and the Sri Lankan Government. It is stated that these organisations were made to sit and negotiate with the Sri Lankan Government at the initiation of Mr. Romesh Bhandari, the then Foreign Secretary of the Government of India. From the Thimpu Declaration, according to Mr. Chandrasekaran, it was clear that the LTTE had never got the intention of including parts of India with Tamil Eelam. He has submitted that the allegations that LTTE gave training to the youths of Tamil Nadu at Jaffna and created a force called "Tamil Nadu Retrieval Troop" and supplied arms and ammunitions for dis-integrating Tamil Nadu from India was not tenable and baseless. He refers to the case in C.C. No. 7/92 filed by the Tamil Nadu Government and tried by the Designated Court No. II at Chennai. According to him, the charge that LTTE

conspired to form T.N.R.T. and supplied arms and ammunitions and thereby tried to dis-integrate Tamil Nadu from India was not proved. He, then refers to the following paragraph of the said judgment :—

In the present case, the prosecution entirely relies on the confessional statement of the above said 9 accused, for proving an offence under Section 120-B IPC. Except the confessional statement of the above said 9 accused, there is no independent witness examined to show that the accused conspired at Palali, Sri Lanka or at various places in Tamil Nadu to do a terrorist and disruptive act by illegal means. Hence, the accused are not found guilty under Section 120-B IPC read with other provisions of TADA (P) Act. Except the confessional statement of A-3 with regard to harbouring of Sivarajan, who was the main accused in Rajiv Gandhi assassination case, there is no independent witness has spoken to corroborate the confession statement of other accused. The trustworthiness of the confession statement of an accused can be weighed only with the corroborative evidence of other independent witness. In this case, as far as the conspiracy aspect is concerned, the prosecution has miserably failed to establish it. Further, all the confession statements were recorded while the accused were in police custody. On and often the Apex Court have emphasised in their judgments that before recording a confessional statement, the accused must be free from the influence of the police. This can be done only if the accused who wants to give a confessional statement is kept under judicial custody, which is not done in this case. PW-133 before recording the confessional statement under section 15 rule 15 of TADA (P) Act ought to have kept the accused in isolation, and after giving sufficient time for reflection recorded the confession, which was not also following in this case.

According to Mr. Chandrasekaran, the above excerpt of the judgment clearly show that Mr. Ravichandran was trying to mis-direct the Tribunal by supplying false information and that there was no case whatsoever for declaring the LTTE as an unlawful association. He also refers to certain youths amongst the refugees who had entered India and had been arrested by the police to support his contention that the people who are coming to India were only refugees and were not the members of the LTTE. He refers to the case of four persons, namely, Hitler, Ashok, Jerry and Yogan and submits that all these persons were handicapped and could not have been members of the militant organisation. According to him, conspiracy charge in the Padmanabha murder case was also not proved in the designated Court and refers to the judgment of the Court in support of his contention. He also denies LTTE links with Tamarai Pasurai and submits that in none of the Tamarai Pasurai's cases, any member of the LTTE was chargesheeted. According to him, aims and objective of the LTTE was to fight for the right of self-determination for the people of Tamil Eelam and there was no sufficient cause or reasons for declaring the LTTE as an unlawful association under Section 3(1) of the Unlawful Activities (Prevention) Act, 1967.

Under Section 2(g) of the Act unlawful association has been defined "to mean any association (i) which has for its object any unlawful activity, or which encourages or aids persons to undertake any unlawful activity, or of which the members undertake such activity; or (ii) which has for its object any activity which is punishable under Section 153-A or Section 153-B of the Indian Penal Code, 1860 (45 of 1860), or which encourages or aids persons to undertake any such activity, or of which the members undertake any such activity.

According to Section 2(f), unlawful activities in relation to an individual or association means any action taken by such individual or association (whether by committing an act or by words, either spoken or written, or by signs or by visible representation or otherwise).—(i) which is intended, or supports any claim, to bring about, on any ground whatsoever, the cession of a part of the territory of India or the secession of a part of the territory of India from the Union, or which incites any individual or group of individuals to bring about such cession or secession; (ii) which disclaims, questions, disrupts or is intended to disrupt the sovereignty and territorial integrity of India.

To declare an association, therefore, to be unlawful, such association must be indulging in activities which are unlawful activities within the meaning of the Act and which has for its object any unlawful activity or which encourages or aids persons to undertake any unlawful activity or of which the members undertake such activity or which has for its objects any activity which is punishable under Section 153-A or Section 153-B of Indian Penal Code.

The unlawful activities carried on by an association for declaring it an unlawful association, are that it supports any claim of secession of a part of the territory of India from the Union or which incites any individual or group of individuals to bring about such cession or secession or which disclaims, questions, disrupts or is intended to disrupt the sovereignty and territorial integrity of India. In case, such association has for its object any activity punishable under Section 153-A or Section 153-B of the Indian Penal Code or it encourages or aids persons to undertake any such activity, the association in that case as well can be declared as an unlawful association. It is in this background that the Tribunal has to decide whether the Central Government had sufficient cause for declaring the LTTE to be an unlawful association.

A copy of the press clippings of the *Times of India* dated 27th November, 1996 has been placed on record by the State Government of Tamil Nadu to show that in a pro-LTTE function held in Switzerland, demands were raised for lifting the ban on LTTE and the recognition of Tamil Eelam. The contention that "Kashmir was not a part of India was also aired. In fact, it was claimed that the militants in Kashmir had drawn moral courage from the Tamils". In a pro-LTTE conference held at Coimbatore during February, 1997 and reported in *The Hindu* dated 16th February, 1997 Subba. Veerapandian, President of Thamizh Tamilar Iyakkam, who was arrested for his pro-LTTE speeches said that "his organisation is fighting for the self-determination

of Tamils, social justice and the welfare of Tamils all over the world". It is submitted by Mr. Joseph, Senior Advocate as well as by Mr. Pragasam, learned counsel for the Central Government and the State Government respectively that these utterances clearly show that the pro-LTTE groups were supporting the secession of a part of the territory of India and in any case were disrupting or intending to disrupt the sovereignty and territorial integrity of India as they have clearly spoken about Kashmir not being a part of India and for the self-determination of Tamils all over the world.

In another meeting held on 16th December, 1996 in front of Thanjavur town bus stand, M. K. Palanimanickam, Thanjavur Distt. Secretary, Tamil Desa Podu Udaimai Katchi and Ayanpuram Murugesan, State Secretary of Tamilar Desiya Iyakkam, while addressing street corner meetings, not only condemned the arrest of Maniarsan and Suba Veerapandian, but they also spoke in support of Eelam Tamils and said that "the country knew that the Chief Minister of Tamil Nadu will act against the supporters of Tamil race and its enthusiasts with a view to safeguard his position". He exhorted the audience to support the Eelam Tamil in their struggle and support Prabhakaran. According to the speakers, in the minds of Tamil Youth, the Tamil feelings were like smouldering fire and they could not be suppressed.

Addressing an indoor meeting on 11th January, 1997, Pon. Kittu referred to the Eelam struggle and said that there was a fear that India would split and that he wanted the same to happen. It clearly shows that certain sections who are supporters of LTTE may strive to work for a similar struggle to split India to form a homeland for all Tamils, thus disrupting the sovereignty and territorial integrity of the country.

It may not be out of place to mention here about the report of the U.S. State Department on global terrorism which indicated that the LTTE had plotted a suicidal attack on the former Prime Minister Mr. P. V. Narasimha Rao during 1995. It says that "the LTTE conducted a planned suicide bombings against Narasimha Rao, according to Sri Lankan Officials and Govt. Offices in Colombo".

Suba. Veerapandian of Tamil Tamilar Iyakkam, speaking at a pro-Eelam Conference in Coimbatore in February, 1997, said that "his organisation is fighting for self-determination for Tamil Nadu and that there is growing pressure from cadres to take the issue beyond the LTTE and make it more relevant to Tamil Nadu".

The LTTE has established Tamil National Retrieval Troops, a militant outfit by funding them with cash, gold biscuits, arms and ammunition, communication equipments, etc. As per information received by the CID, members of this organisation were instructed by the LTTE hierarchy to annihilate those who were against the LTTE's objective for a separate nation for Tamils and had gone even to the extent of instructing the members to loot Police armouries and to revolt against the Government established by law. The activists of Tamil National Retrieval Troops were trained and armed by LTTE in Sri Lanka and sent into India which

also to a large extent go to show that the ultimate objective of these groups including the LTTE is to strive for a separate homeland for all Tamils and to fight for their right of self-determination of Tamils.

On 8th February, 1997 LTTE member Pandian @ Murlidharan was arrested when he admittedly swallowed a cyanide capsule from his possession and a wireless code sheet was also seized. On subsequent raids, it was discovered that wireless set had been in operation in the outskirt of Chennai. 19 live rounds of 9 mm pistol were seized from Rama Elangovan an associate of LTTE. Earlier in November, 1996 a smuggling racket involving Eelam Tamil operations was busted in Madurai, Ramanathapuram, Trichi, Coimbatore and incriminating material seized were a 9 mm pistol with ammunition, a wireless set, Global Positioning System, etc. 9 LTTE cadres and operatives were arrested in this case.

Again on 4th June, 1997 four LTTE cadres along with three local persons were arrested within the limits of PS Uchipulli, Ramanathapuram district. One 9 mm MP 5 rifle, one 9 mm pistol with 24 rounds, 5 Walkie Talkie, 35 cyanide capsules, etc. were seized in that case. Again on 20th January, 1998 an LTTE member Vijaykumar was arrested in Chennai with a wireless set, code sheets, two cyanide capsules, etc. The attempts of these LTTE members to infiltrate into India, arming themselves with sophisticated fire arms, weapons, wireless sets, cyanide capsules pose a serious threat to the security of VIPs as well as the State and it has also a potential for promoting threat from within India affecting India's sovereignty and integrity.

In the Rajiv Gandhi assassination case, the Court had observed that facts and circumstances in that case clearly established beyond doubt that V. Prabhakaran, the LTTE supremo and the LTTE organisation had a very strong motive to kill Rajiv Gandhi. The Court has further held that the charge of conspiracy had been proved.

In a public meeting held on 20th September, 1996 at Kangeyam in Periyar district, T. R. Ramanan of Tamil Nadu Marxist Leninist Party spoke about the liberation struggle in Kashmir, Assam, Nagaland and Manipur. He said that even in Tamil Nadu the liberation struggle had began through his party. He demanded for lifting of ban on LTTE and resolved to take out a procession at Chennai for this purpose.

In another meeting held on 9th March, 1996 under the aegis of the same party, Mr. Ponnian said that liberators of Tamil Nation have come together and that meeting had been convened to announce the same. He further said that if Tamil Nadu became independent they could extend support to Prabhakaran.

Again on 30th May, 1997 Mr. A.R. Pari of the same party speaking at a meeting held at Veerapanchatram, Erode, Periyar District, said that all the parties who speak of nationalism should be driven out of Tamil Nadu and if anybody speaks of Indian nationalism, he would be assaulted and driven out. According to him, the Tamil Nadu would march towards socialism. Mr. T. R. Ramanan in the same

meeting said that there was no separate country for the Tamils and the Tamils were living as slaves. He exhorted all the people to be mobilised for liberation of Tamil Nadu and called upon to support the cause of Eelam Tamil and the liberation struggle.

On 6th June, 1997 at the TV relay station in Thanjavur a bomb explosion had occurred. At the scene of crime, six hand written notices purported to have been brought out by Tamil National Red Army were found demanding action against the Sri Lankan Navy for their hostilities towards the Sri Lankan Tamils. They had been supporting the cause of LTTE—a banned organisation in India and had been advocating their ideas.

The above material, in the view of the Tribunal, clearly indicate the threat posed by the Tamil chauvinist groups and their support to the LTTE in their on going struggle. It also clearly show that the main objective of the LTTE and its supporters is to fight for a separate homeland for the Tamils even in India, thus affecting the sovereignty and territorial integrity of India and Tamil Nadu.

Moreover, the recovery of cash, gold biscuits, 9 mm pistol, Walkie talkie sets, A.C. generator, Leather belts, Welding electrodes, 12 Volt Excide battery, Code Sheets, Navigational map, ICOM/HF Trans-receiver, Global positioning system, BNC/Connector, Junction connection and Heroin, etc. in November, 1996 from 19 persons including 9 LTTE cadres in Madurai and the recovery of 9 mm MP 5 rifles, Walkie-talkie, Morse-key boards, Sri Lankan Currency—Rs. 17,19,500, Indian Currency—Rs. 4,577, Pocket computer, Cyanide capsules—2 (big size), 35 (small size) from four LTTE cadres and three local persons from an Ambassador car No. TSD 1332 within the jurisdiction of Uchipulli Police Station, Ramanathapuram District on 4th June, 1997 and the recovery of 3 cellular phones, Transreceiver, ICOM Automatic Antennae tuner, 12 Volt Battery, cyanide capsules, code sheets and coded and decoded messages from the house of LTTE cadre Vijaykumar at Chennai clearly show that the LTTE is continuing its militancy pursuits to achieve their objective for a separate homeland for all Tamils and thus threatening the sovereignty and integrity of India.

Besides the above, there are many other instances of the LTTE members and their supporters engaging in activities which intend to bring about the cession of a part of the territory of India or in any case inciting any individual or group of individuals to bring about such cession or secession. These activities also intend to disrupt the sovereignty and territorial integrity of India.

On 3rd April, 1996 a fishing trawler loaded with chemicals was seized by the Indian Navy in the high seas off Rameswaram. The Navy seized 120 ltrs. of chemicals from the trawler. The chemicals was intended to be smuggled to Sri Lanka. The trawler has been confiscated and a case registered against its owner. Fishermen from the Southern coast of the State are being intercepted by Sri Lankan Tigers and are being robbed. Instances of the Tigers threatening

the fishermen at gunpoint at Katchatheevu and hijacking their trawlers have been on the increase. According to the authorities, the fishermen are afraid of even to lodge a complaint about the interception and the robbery by the LTTE. According to the Times of India dated 7th January, 1997, some of the LTTE supporters in a convention during 1st week of January, 1997 had openly expressed their solidarity with LTTE supremo Prabhakaran. The convention also exhibited the photograph of Prabhakaran and extended support to the LTTE—a banned organisation. It is, therefore, clear that despite being banned since 1992, the LTTE continue to indulge in activities prejudicial to the security of the country and has persisted its violent and disruptive activities. The seizure of large quantity of cyanide capsules, automatic weapons, communication and wireless equipments are distressing signals of the LTTE's objective. The apprehension is strengthened by the acts of LTTE cadre Pandian @ Muralidharan and Vijaykumar in Chennai in 1997-98 respectively and the presence of four LTTE cadres who are still at large in the State of Tamil Nadu.

Mr. Chandrasekharan, while cross-examining the witness produced by the Central Government as well as by the State Government of Tamil Nadu, did not put any question to them that the activities mentioned in their affidavits were not being carried out by the LTTE or by its supporters, individuals and organisations.

The evidence on record, therefore, clearly show that the LTTE is challenging the territorial sovereignty and integrity of India. Though, the immediate struggle of the LTTE is against the Government of Sri Lanka for the establishment of Tamil Eelam in the North-East provinces of Sri Lanka, its larger and ultimate objective is to form a larger Tamil country including areas of India where the Tamils live and thus pose a threat to the sovereignty and territorial integrity of India. The utterances of T. R. Ramanan and K. V. Ponnian at Veerappanchatram, in the meetings held under the aegis of Tamil Nadu Marxist Leninist Party exhorting the Tamils to drive out persons who speak about nationalism out of Tamil Nadu and that any person speaking of Indian nationalism should be assaulted and driven out and exhorting them to create an army for Prabhakaran and create a separate Tamil Nadu are activities intending to disrupt the sovereignty and territorial integrity of India. They are also promoting enmity between different groups on grounds of religion, race, place of birth, residence, etc. and are doing acts prejudicial to maintenance of harmony and are, therefore, activities punishable under Section 153-A of the Indian Penal Code. The disruptive activities are being carried on to malign the Government of India with the sole object of arousing separatist Tamil sentiments. The LTTE in Tamil Nadu has persisted with its violent and disruptive activities prejudicial to the integrity and sovereignty of India.

The evidence on record, therefore, clearly show that the LTTE is not only giving moral and material support to the chauvinist organisations operating in Tamil Nadu but its members are also challenging the territorial integrity of India. The arrest of four LTTE cadres on 4th June, 1997 with a

large cache of arms, ammunitions and communication equipments, involvement of Pandian @ Muralidharan in the conspiracy to procure medicines, etc. from Chennai and other places in the State of Tamil Nadu to the LTTE in Sri Lanka and recovery of a wireless code sheet, large amount of currency, cassettes/discs containing LTTE propaganda material on Sea Tigers, Black Sea Tigers, etc. photographs of LTTE leader Prabhakaran with Black Tigers, arrest of 9 LTTE cadres alongwith 10 other persons in Madurai with incriminating material like 9mm pistol, wireless set, global positioning system, etc., the arrest of Vijaykumar—a LTTE cadre from the outskirts of Chennai on 20th January, 1998 and the seizure of cellular phones and other communication equipments from him also show that the LTTE in Tamil Nadu has persisted with its violent and disruptive activities prejudicial to the sovereignty and territorial integrity of India. The aforesaid arrests, seizure of arms and communication equipments also confirms the presence of large number of LTTE supporters in Tamil Nadu who are engaged in subversive activities. There has been a bomb explosion on 6th June, 1997 at the TV relay station in Thanjavur and the recovery of hand written notices purported to have been brought out by Tamil National Red Army demanding action against the Sri Lankan Army for their hostilities towards Sri Lankan Tamils, is a clear evidence of the chauvinist groups lending support to the LTTE—a banned organisation in India. The posters recovered at the scene also called upon the Indian Government to recognise Tamil Eelam as a separate nation.

Mr. Chandrasekharan, learned counsel for the LTTE, except his cross-examining the witnesses regarding the acquittal of certain persons who were involved in cases registered under the Indian Penal Code, has not contradicted the statements made by the persons mentioned above their advocating secession of a part of the territory of India. The facts brought out by the Central Government and the State of Tamil Nadu duly corroborated and supported by the evidence of Mr. A. K. Paitandy and Mr. T. V. Ravichandran as also the documents placed on record, in the opinion of the Tribunal, did not leave any manner of doubt that the LTTE is continuing to adopt a strong anti-India posture and pose a grave threat to the security as well as the sovereignty and territorial integrity of India and its utterances have an inciting influence over the secessionist forces in Tamil Nadu. Moreover, the LTTE and pro-LTTE persons have already been convicted by the Court in the Rajiv Gandhi assassination case, thus keeping the issue quite alive and hence continues to be a strong ground for continuing to declare the LTTE as an unlawful association.

The Tribunal has, therefore, reasons to believe that despite declarations dated 14th May, 1992, 14th May, 1994 and 14th May, 1996 declaring the LTTE to be an unlawful association, it is continuing to indulge in unlawful activities. It is no doubt true that the activities of the LTTE have been curtailed to a large extent and controlled in view of the ban imposed upon its activities by the earlier Notifications, sympathy for Tamil Eelam concept still remains and the

material placed before Justice P.N. Nag, Tribunal; Justice Devinder Gupta, Tribunal and the earlier Justice S.K. Mahajan, Tribunal, continues to have a strong bearing and relevance to the present situation in Tamil Nadu.

From the speeches of the members of Pro-LTTE organisations mentioned above, it is quite evident that the Tamil Eelam concept still remains a goal amongst the Pro-LTTE organisations and the process is still at work to further its cause thereby contributing the said highly vulnerable milieu in which LTTE's free functioning in India as an unlawful association, if allowed, is likely to be highly detrimental to the sovereignty and territorial integrity of India. The speeches also tend to promote disharmony or feeling of enmity, hatred or ill will between different religious, racial, language and regional groups or casts and communities which disturbs or is likely to disturb the public tranquillity and, in any case, they are intended to support the claim of LTTE to bring about secession of a part of the territory of India from the Union, thus disrupting the sovereignty and territorial integrity of India.

The LTTE, in the opinion of the Tribunal, is continuing to remain a strong terrorist movement and so long as Sri Lanka continues to remain in a state of ethnic strife, torn by

the demand for Tamil Eelam, which finds a strong echo, in Tamil Nadu due to the linguistic, cultural, ethnic and historical affinity between the Sri Lankan Tamils and the Indian Tamils, material found by the earlier Tribunals to be valid grounds for declaring the LTTE as an unlawful association earlier, will continue to remain a strong underlying basis for continuing the ban on the LTTE in India.

Series of cases registered against pro-LTTE elements in 1996, 1997 and 1998 reflect the presence of LTTE activists and pro-LTTE groups which still continue to pose danger to the State. This Tribunal is, therefore, of the firm opinion that there was sufficient material before the Central Government to justify the forming of an opinion that the LTTE is an unlawful association and has been rightly declared to be so. The declaration made by the Central Government, therefore, vide Notification dated 14th May, 1998 is confirmed.

November, 13, 1998

"Ravindra"

Sd/-

S.K. MAHAJAN, Tribunal,

[F. I-11034/9/98-IS(D. I)A]

SANGITA GAIROLA, Jt. Secy.